

318B-AL-6464304 Serial 374

- 1 of 4 -

FD-302 (Rev. 5-8-10)

FEDERAL BUREAU OF INVESTIGATION

Date of entry 05/04/2021

Elizabeth Miller, former Chief of Staff for former Vermont Governor Peter Shumlin, was interviewed by way of video conferencing by Assistant United States Attorneys (AUSA) Paul Van de Graaf and Nicole Cate, DOJ Trial Attorney Jessee Alexander-Hoeppner, and FBI Special Agent Jennie Emmons.

AUSA Van de Graaf provided some background for the interview: At the end of January 2015, Vermont's Department of Financial Regulation (DFR) began to seriously examine the AnC Bio project. In February 2015, two things happened: Susan Donegan was trying to get Jay Peak to agree to an audit to satisfy the state's interest in understanding how investor funds had been used and, at the same time, the developers were trying to get DFR to sign off on the offering memorandum. At the beginning of March 2015, Bill Stenger wrote to Miller begging for help in dealing with the state. On March 27, 2015, a meeting took place with Governor Shumlin, the developer, and state officials. In May, Miller left her employment with the state.

AUSA Van de Graaf asked when the state had enough information to know that the investor funds had been seriously misused.

Miller stated, "We were trying to get the ammo to make a decision." The state encountered a pattern of "we will get you something then nothing or little would happen." The complexity helped kept the state off the obvious trail. The situation was complex web and one had to have all the data to understand it. The developer's version of events was not easily disprovable.

AUSA Van de Graaf asked about the time between the Governor's meeting and Miller leaving, noting that at some time in May, Mike Pieciak made a referral.

Miller advised that she left the state around May 20th, about the time the legislative session was ending. There were many thing going on at that time. After the March meeting there were follow-up discussions, some with DFR.

Investigation on 04/06/2021 at Burlington, Vermont, United States (In Person)File # 318B-AL-6464304 Date drafted 04/30/2021by EMMONS JENNIE MCGLYNN

318B-AL-6464304 Serial 374

318B-AL-6464304

Continuation of FD-302 of (U) Interview of Elizabeth Miller, On 04/06/2021, Page 2 of 4

Those meetings were right on the heels of the March meeting, if her memory is correct. The referral might have happened before or just after she left the state. The level of seriousness was not yet clear. The SEC took a long time with their investigation, and the state had not yet caught up with the SEC. The story, however, started to come together. The state was confirming its impression that the SEC investigation was as serious as it seemed. The state was not used to working with the "feds."

AUSA Van de Graaf noted that there was a year period that some could say the state should have done something to stop any further investing in AnC Bio Vermont.

Miller advised that she had left the state at that point and, thus, will not have helpful insight.

AUSA Van de Graaf asked if Governor Shumlin had a personal phone.

Miller does not remember Governor Shumlin having two phones. Miller had only one phone herself (her own personal phone) while she worked for the state, but knew a lot of state employees that had two. Sara London is the right person to ask—at least in terms of what happened during the Shumlin administration. There was a personal device policy, managed by London, which stated that if a personal phone was used for state business the information related to state business had to be preserved. Miller still has the same number for Governor Shumlin that she did while she worked at the state. It is the only phone number she has ever used to contact him. He either had a personal phone for all purposes or kept a separate phone for campaign purposes. Her memory could be wrong due to the passage of time. Her memory is that he had one device.

AUSA Van de Graaf asked Miller about the Governor's use of Quiros's condo in New York City and about the state rules for such circumstances.

Miller advised that the Governor did not talk to her about this matter. The executive code of ethics "that we all signed" applied to all officials appointed by Vermont governors. Governors themselves were not subject to it as far as she recollects. The code prevents taking things of value in exchange for decisions. The code was adopted as an executive order. The code was identical to former Governor Douglas's code.

318B-AL-6464304 Serial 374

318B-AL-6464304

Continuation of FD-302 of (U) Interview of Elizabeth Miller, On 04/06/2021, Page 3 of 4

AUSA Van de Graaf referred to the video in which Governor Shumlin stated that the state was auditing the EB-5 projects. AUSA Van de Graaf noted that the video appears to have been made when the Governor attended an event for Stenger. The event took place in Newport in September 2011 or September/October 2012. AUSA Van de Graaf asked who from the state would have traveled with the Governor.

Miller advised that two Vermont State Police troopers typically traveled with the Governor as well as at least one, but usually more than one, staff member from the Governor's office, and sometimes another state official, such as a commerce official. A record should exist at the state about who was at that event with the Governor. Shauna kept the daily schedule, which would have included who was "staffing." When Miller was at the state, they had weekly meetings with Shauna. Despite the daily schedule being created, things switched around every day.

AUSA Van de Graaf noted that Quiros and the Governor met at the Governor's home on New Year Day 2015.

Miller advised that she does not remember anything about that meeting.

AUSA Van de Graaf asked if the state has any rules about such a meeting. For example, is a governor allowed to have such a meeting and not document it?

Miller does not think there was such a rule, but the the Governor's counsel might disagree. The rules are about "material" gift and rules related to campaign law. Miller is not aware of any applicable law for such circumstances. The ethics code for appointed officials would not have applied either.

AUSA Van de Graaf asked if the state had rules or practices about documenting such meetings/consultations.

Miller advised that the issue at hand is about transparency in conducting state business. Miller did not think there was a requirement to document this meeting, but is not certain. Meetings about state business were put on the calendar for transparency purposes. Miller is not aware of a documentation requirement for meetings that are not about official state business, but during which state business ends up being discussed. Campaign-related meetings would not be on the state schedule. Campaign meetings are

FD-302a (Rev. 5-8-10)

318B-AL-6464304 Serial 374

318B-AL-6464304

Continuation of FD-302 of (U) Interview of Elizabeth Miller, On 04/06/2021, Page 4 of 4

meant to be kept separate, and are deliberately not put on state schedule.

Miller advised that she was contacted by Stenger's defense about an interview, which she politely refused.